

REMARKS/ARGUMENTS

Claims 1-3, 5, 6 and 8-25 are pending, claims 17-25 having been withdrawn from consideration. By this Amendment, claims 4 and 7 are cancelled, and claims 1 and 5 are amended. Support for the amendments to claims 1 and 5 can be found, for example, in original claims 1, 4, 5 and 7. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-3, 8-13 and 16 under 35 U.S.C. §102(b) over EP 1 085 028 A1 to Ninomiya et al. ("Ninomiya"). Applicants respectfully traverse the rejection.

Claim 1 is set forth above. Ninomiya does not disclose or suggest such a process.

By this Amendment, claim 1 is amended to incorporate the features of claims 4 and 7, which are not subject to the rejection over Ninomiya. Accordingly, amended claim 1 distinguishes over Ninomiya.

As explained, claim 1 is not anticipated by Ninomiya. Claims 2, 3, 8-13 and 16 depend from claim 1 and, thus, also are not anticipated by Ninomiya. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

A. Ninomiya and Yamauchi

The Office Action rejects claims 4 and 5 under 35 U.S.C. §103(a) over Ninomiya in view of U.S. Patent No. 5,302,417 to Yamauchi et al. ("Yamauchi"). By this Amendment, claim 4 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

By this Amendment, claim 1 is amended to incorporate the features of claim 7, which is not subject to the rejection over Ninomiya and Yamauchi. Accordingly, amended claim 1 distinguishes over Ninomiya and Yamauchi.

Yamauchi is cited for its alleged disclosure of introducing an EVOH copolymer solution into a tower type vessel and contacting the solution with water vapor. *See* Office Action, page 6. In Yamauchi, EVOH solution is extruded into a bath including 10% aqueous methanol solution at 5 °C to form strands and, then, the strands are coagulated, separated and cut. *See* Yamauchi, column 21, lines 7 to 41. There is no indication in Yamauchi, however, of the methanol and water content of the EVOH solution that is employed. Yamauchi, like Ninomiya, fails to disclose or suggest each and every feature of claim 1.

As discussed in the present specification, the process of claim 1 produces EVOH pellets by efficiently removing alcohol without deteriorating the working environment and peripheral environment, efficiently removes water from an obtained hydrous EVOH composition with less thermal degradation, and provides pellets having a uniform shape. *See* present specification, page 5, lines 5 to 11. The cited references do not disclose the particular combination of features of claim 1, or recognize the benefits stemming therefrom.

As explained, claim 1 would not have been rendered obvious by Ninomiya and Yamauchi. Claim 5 depends from claim 1 and, thus, also would not have been rendered obvious by Ninomiya and Yamauchi. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Ninomiya and Kawahara 546

The Office Action rejects claims 4-6 under 35 U.S.C. §103(a) over Ninomiya in view of EP 1 179 546 A1 to Kawahara et al. ("Kawahara 546"). By this Amendment, claim 4 is

cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

By this Amendment, claim 1 is amended to incorporate the features of claim 7, which is not subject to the rejection over Ninomiya and Kawahara 546. Accordingly, amended claim 1 distinguishes over Ninomiya and Kawahara 546.

Kawahara 546 is cited for its alleged disclosure of introducing an EVOH copolymer solution into a top portion of a tower type vessel and introducing water vapor to a lower part of a tower type vessel. *See* Office Action, page 7. However, the deficiencies of the method of Kawahara 546 are discussed in the present specification. For example:

In a process described in [Kawahara 546], drying time becomes shorter; however, as described in Example 1 of the publication, it takes 3 hours at a temperature of 100°C to dry up to a water content of 0.2 weight %, and then further improvements have been desired in view of both production efficiency and the prevention of thermal degradation. In the case of pellets obtained by cutting an EVOH hydrous composition in a molten state, the shape thereof does not necessarily become uniform, and thus there is the possibility that extrusion stability is not sufficiently obtained in molding dried pellet products.

*See* present specification, page 4, lines 8 to 17. As shown in Table 3 of the present specification, drying in the process of claim 1 can be carried out for from 1 hour, 40 minutes to 2 hours, 40 minutes at a temperature of from 65 to 80 °C. These drying conditions are shorter and milder than the conditions described in Kawahara 546. Thus, the process of claim 1 permits efficient drying. Kawahara 546, like Ninomiya, fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 would not have been rendered obvious by Ninomiya and Kawahara 546. Claims 5 and 6 depend from claim 1 and, thus, also would not have been rendered obvious by Ninomiya and Kawahara 546. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Ninomiya and Kawahara 616

The Office Action rejects claims 7, 14 and 15 under 35 U.S.C. §103(a) over Ninomiya in view of EP 1 072 6016 A1 to Kawahara et al. ("Kawahara 616"). By this Amendment, claim 7 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

By this Amendment, claim 1 is amended to incorporate the features of claim 4, which is not subject to the rejection over Ninomiya and Kawahara 616. Accordingly, amended claim 1 distinguishes over Ninomiya and Kawahara 616.

Kawahara 616 is cited for its alleged disclosure of cutting a hydrous EVOH copolymer composition while molten. *See* Office Action, page 8. Kawahara 616 does not disclose the sequence of cutting a hydrous EVOH composition in a molten state, introducing the hydrous EVOH pellets to a dryer to reduce their water content, melt-kneading the dried pellets, and then cutting the EVOH discharged from the extruder to obtain the final pellets. In the process of claim 1, EVOH is cut twice to obtain pellets. Hydrous EVOH is cut first and then dried EVOH resin is cut. By cutting twice, the water in the hydrous EVOH can be efficiently removed, and pellets having a uniform shape can be obtained. Kawahara 616, like Ninomiya, fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 would not have been rendered obvious by Ninomiya and Kawahara 616. Claims 14 and 15 depend from claim 1 and, thus, also would not have been rendered obvious by Ninomiya and Kawahara 616. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

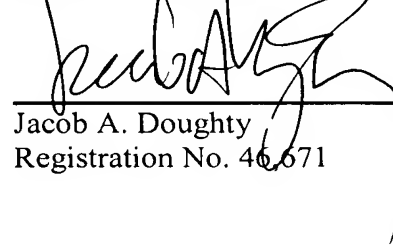
Conclusion

For the foregoing reasons, Applicants submit that claims 1-3, 5, 6 and 8-25 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Jacob A. Doughty', is written over a horizontal line. The signature is stylized and cursive.

Jacob A. Doughty  
Registration No. 46,671

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)